IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5867 of 2007()

CMP.3446/2007 of J.M.F.C.-II,THAMARASSERY
CRIME NO.40/07 OF KUNNAMANGALAM EXCISE RANGE

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PETITIONER/ACCUSED

SANKARAN,S/O.THAMU,PRIKKACHALIL,
NELESWARAM AMSOM DESOM,KOZHIKODE TALUK.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. THE EXCISE INSPECTOR,KUNNAMANGALAM
EXCISE RANGE.

2. STATE REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5867 of 2007

Dated this the 1st day of October 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 16 litres of wash on 12/9/2007. He was arrested and continues in custody from that date. The petitioner was earlier arrayed as an accused in one crime under the Kerala Abkari Act. He has already been found not guilty and acquitted in that case, submits the learned Public Prosecutor.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officer is granted reasonable further time to complete the investigation and I am satisfied that regular bail can be granted to the petitioner subject to appropriate conditions.

3. In the result, this petition is allowed. The petitioner can now be enlarged on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 08/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007